

HOUSE MAJORITY WHIP  
**JAMES E. CLYBURN**  
THE DAILY WHIPLINE

Tuesday, July 31, 2007

House Meets At...	Votes Predicted At...
9:00 a.m. For Morning Hour 10:00 a.m. For Legislative Business  Unlimited "One-minutes" Per Side	Last Vote: Late Evening

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

**Floor Schedule and Procedure**

- **Postponed Suspension Votes:** At some point today, the House will take votes on the following suspension bills, which were debated on Monday:
  1. **H.R. 180** – Darfur Accountability and Divestment Act of 2007 (*Rep. Lee – Financial Services*)
  2. **H.R. 2347** – Iran Sanctions Enabling Act of 2007 (*Rep. Frank – Financial Services*)
  3. **H.R. 176** – United States-Caribbean Educational Exchange Act of 2007 (*Rep. Lee – Foreign Affairs*)
  4. **H.R. 957** - To amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed (*Rep. Ros-Lehtinen – Foreign Affairs*)
  5. **H.R. 2722** - Integrated Deepwater Program Reform Act (*Rep. Cummings –Transportation and Infrastructure*)
- **Suspension Bill:** Today, the House will consider one bill on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  1. **S. 1** - A bill to provide greater transparency in the legislative process (*Sen.Reid – Judiciary*)

- **Complete consideration of H.R. 986 - Eightmile Wild and Scenic River Act (Rep. Courtney)**: Pursuant to the rule, debate on the bill will be managed by Natural Resources Committee Chair Rep. Nick J. Rahall, or his designee, and will proceed as follows:
  - Debate on the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on passage of the bill. **Democrats are urged to vote yes on final passage.**
  
- **Complete consideration of H.R. 2831 – Ledbetter Fair Pay Act of 2007 (Rep. George Miller-Education and Labor)**: Pursuant to the rule, debate on the bill will be managed by Education and Labor Committee Chair Rep. George Miller, or his designee, and will proceed as follows:
  - Debate on the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on passage of the bill. **Democrats are urged to vote yes on final passage.**
  
- **H. Res. 581-Rule providing for consideration of H.R. 3161– Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill, 2008 (Rep. McGovern-Rules)**: The open rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Finally, the rule provides one motion to recommit with or without instructions. Debate on the rule will be managed Rep. McGovern, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule**
  
- **H.R. 3161– Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill, 2008 (Rep. DeLauro-Appropriations)**: Pursuant to the rule, debate on the bill will be managed by Appropriations Committee Chair Rep. David Obey, or his designee, and consideration will proceed as follows:
  - One hour of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on passage of the bill. **Democrats are urged to vote yes on final passage.**

## **Bill Summary and Key Issues**

### **S. 1 - A bill to provide greater transparency in the legislative process/Honest Leadership and Open Government Act**

Full bill text can be found at: [http://democrats.senate.gov/journal/s1\\_sus\\_xml.pdf](http://democrats.senate.gov/journal/s1_sus_xml.pdf)

- **New transparency for lobbyist bundling and political campaign fund activity, as well as other financial contributions** – requires disclosure when lobbyists bundle campaign contributions for any federal elected official, candidate, leadership PAC or national political party; and requires lobbyists to detail their own campaign contributions, and payments to Presidential libraries, Inaugural Committees or entities controlled by or named for Members of Congress.
- **Greater transparency in earmarking and the legislative process** – requires that all earmarks included in bills and conference reports, and their sponsors, be identified on the Internet at least 48 hours before Senate votes; subjects “dead of night” additions to conference reports to a 60-vote point of order; requires Senators to certify that they and their immediate family members have no financial interest in the earmark; ends the practice of secret Senate holds; makes conference reports available for public review on the Internet 48 hours before the vote.
- **Lavish convention parties** – prohibits Members of Congress from attending national political convention parties held in their honor and paid for by lobbyists or their clients.
- **Ends K-Street Project** – Prohibits Members of Congress and their staff from attempting to influence employment decisions in exchange for political access.
- **A strong lobbyist gift ban** – prohibits lobbyists and their clients from giving gifts, including free meals and tickets, to Senators and their staffs.
- **Limits on privately funded travel** – bars lobbyists and their private-sector clients from paying for multi-day travel trips by Senators and their staffs.
- **Restrictions on corporate flights** – requires Senators, Senate candidates and Presidential candidates to pay charter rates for trips on private planes; bars House candidates from accepting trips on private planes.
- **Strong revolving doors restrictions** – prohibits Senators and their senior staff from gaining undue lobbying access by increasing the “cooling off” period for Senators from one to two years before they can lobby Congress; prohibits senior Senate staff from lobbying contacts with the entire Senate for one year, instead of just their former employing office.
- **Expands public disclosure of lobbyist activities** – requires lobbyists to file reports on their lobbying twice as often each year, and for the first time

to file them electronically in a public, searchable database; and increases civil and criminal penalties for knowingly and corruptly violating lobbying disclosure rules.

- **Congressional Pension Accountability** – Denies Congressional retirement benefits to Members of Congress who are convicted of bribery, perjury and other similar

### **H.R. 986: Eightmile Wild and Scenic River Act (Rep. Courtney, D-CT)**

H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The river has been studied by the National Park Service and found to be eligible for designation. The five segments that would be designated by the bill would be managed according to a plan produced pursuant to the 2001 Eightmile River Wild and Scenic River Study Act (Public Law 107-65). HR 986 expressly and unambiguously forbids condemnation by the federal government, both by reference to the Wild and Scenic Rivers Act and by a separate, explicit provision of the bill.

The legislation, which is supported by the Administration, has broad bipartisan support, including the entire Connecticut congressional delegation, the Republican governor of the state, the Connecticut Legislature and all of the affected local communities.

Representative Joe Courtney introduced the legislation on February 12, 2007 and the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill on April 17, 2007 during which the Administration and a public witness testified in support of the measure. The Subcommittee favorably approved the bill with an amendment by voice vote on April 19, 2007 and the Natural Resources Committee ordered the bill, as amended, favorably reported to the House by voice vote on May 2, 2007. On July 10, 2007, the House considered H.R. 986 under Suspension of the Rules. Although the bill received a clear majority on a vote of 239-173, it failed to receive the 2/3<sup>rd</sup> necessary for passage

### **H.R. 2831 - LILLY LEDBETTER FAIR PAY ACT**

**H.R. 2831 reverses the Supreme Court's May 29, 2007, ruling in *Ledbetter v. Goodyear*, which dramatically limited workers' ability to challenge discriminatory pay.** In that 5-4 decision, the majority, led by Justice Alito, ruled that a victim of pay discrimination under Title VII must file a charge within 180 days of the employer's decision to pay someone less for an unlawfully discriminatory reason (such as race, sex, religion, etc.). Prior to the Supreme Court's ruling, the widely accepted rule in employment discrimination law was that every discriminatory paycheck was a new violation that restarts the 180-day clock. **H.R. 2831 restores that prior law.**

#### **The Implications of the Supreme Court Decision**

- **The ruling immunizes discriminatory pay from challenge.** Under the ruling in *Ledbetter*, a person must file a charge of discrimination within 180 days of the discriminatory pay *decision*. If an employee fails to do so, the

employer may continue paying the employee in a discriminatory fashion, based on that prior decision, for the rest of his or her career.

- **Discriminatory pay is difficult to discover.** Many employers have policies explicitly forbidding employees from talking to one another about their pay. Workplace norms also discourage employees from asking each other about their pay. Additionally, discriminatory pay tends to have a cumulative effect – what may seem like a minor discrepancy at first builds up over time. By the time the discrimination is noticed, it would be too late to file a charge under the Supreme Court's ruling.
- **The ruling leads to more litigation.** Under the ruling in *Ledbetter*, an employee must file a charge with each pay decision – in order to preserve her rights to challenge discrimination – instead of attempting to ask questions, gathering information, attempting to resolve the matter informally with her employer. The decision leads to more conflict and more litigation and flies in the face of Congress's intent in Title VII to encourage informal conciliation between the employer and employee.

### **How H.R. 2831 Reverses the Supreme Court Decision**

- **H.R. 2831 restores the law prior to the Supreme Court's *Ledbetter* decision.** Under H.R. 2831, the clock for filing a discrimination charge starts when a discriminatory pay decision or practice is adopted, when a person becomes subject to the pay decision or practice, or when a person is affected by the pay decision or practice, including whenever she receives a discriminatory paycheck.
- **H.R. 2831 restores this rule for Title VII, as well as age and disability discrimination.**
- **Ongoing discriminatory pay should never be immunized.** The Supreme Court rolled back workers rights with the *Ledbetter* decision. It is time for Congress to respond.

### **H.R. 3161 - AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008**

#### **Reinvesting in Rural America**

Rural Housing Loans: \$212.2 million, \$176.3 million above the President's request, to fund \$5.1 billion in affordable loans to provide housing to low-income families in rural areas, with no increase in fees. The President's budget had eliminated direct loans and shifted funding to guaranteed loans, increasing fees, making these loans more expensive and less accessible for low-income families. This will provide approximately 38,000 single family homeownership opportunities.

Homeownership for Rural Families: \$40 million, \$6.3 million above 2007 and \$30.5 million above the President's request, for grants to allow low-income families in rural areas to build their own houses. The ultimate goal is to double the number of participant families, from the 2002 level by 2010.

Housing for Farm Laborers: \$46.6 million, \$14.5 million above 2007 and \$36.8 million above the President's request, to fund \$75 million in affordable loans and grants for housing for farm laborers, nearly doubling the 2007 target of financing or constructing approximately 2000 units.

Rural Community Advancement Programs: \$728.8 million, \$158.3 million above the President's request, to support:

- Community Facilities: \$55.7 million, \$31.2 million above the President's request, for grants and loans to rural areas for critical community facilities, such as health care, educational, public safety and day care facilities.
- Clean Water: \$573.1 million, \$70.3 million above the President's request and \$18.1 million above 2007, for loans and grants for water and waste disposal systems, supporting \$1 billion in loans. In 2006, 985 applicants needing \$2.3 billion had their grant requests turned down.
- Business Loans and Grants: \$100 million, \$56.8 million above the President's request and \$15.6 million above 2007, for economic development in rural communities.

Technology Access: \$52.8 million, \$14.2 million above 2007 and \$28 million above the President's request, for grants for distance learning, telemedicine, and broadband development in rural areas. This increase provides funding to double the broadband grant program and a 41 percent increase in distance learning and telemedicine grants to assist rural schools, learning centers, and rural communities in gaining access to improved educational resources, and assist hospitals and health care centers in gaining access to improved medical resources.

### **Protecting Public Health**

Food Safety and Inspection Service: \$930.1 million, \$38 million above 2007 and matching the President's request, addressing vacancies in federal meat inspector positions.

Food and Drug Administration: \$1.69 billion, \$128.5 million above 2007 and \$62 million above the President's request, including increases to begin a transformation of food safety regulation, improve drug safety, monitor prescription drug advertisements and review generic drug applications.

### **Improving Nutrition**

Commodity Supplemental Food Program: \$150 million, \$43 million above 2007 and eliminated in the President's request, for food aid for women, infants, children, and the elderly. In 2007, program participation averaged 485,614 monthly. This amount would allow five new states to participate in the program and expand participation in existing states.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): \$5.6 billion, \$415.6 million above 2007 and \$233.4 million above the President's request, including \$145 million to restore the President's

proposed cuts to grants that help states administer the program. 8.38 million Americans are expected to participate in the program next year.

Nutrition: \$957.7 million, \$45.5 million above 2007 and \$69.7 million over the President's request, for nutrition programs, including the Expanded Food and Nutrition Education Program (\$68.5 million), Fresh Fruit and Vegetable and Simplified Summer Food programs (\$26 million) to all states to provide nutritious foods to children in low-income families, and specialty crop grants to encourage more fruit and vegetable consumption (\$10 million).

### **Transforming our Energy Future**

Renewable Energy: \$1.2 billion, \$955.3 million above 2007 and \$810.4 million above the President's request, for bio-energy and renewable energy research and development, including loans and grants in rural areas.

- Wind Energy: \$500 million is included in the Rural Electrification and Telecommunications Loans Program for new wind energy projects.
- Business and Industry Loans: \$350 million is targeted for biomass and renewable energy projects funded through the Guaranteed Business and Industry loan program.

### **Supporting Conservation**

Conservation Programs: \$979.4 million, \$127.6 million above 2007 and \$154.7 million above the President's request, for conservation efforts and community development. This bill restores many of the programs slated for major reductions in the president's request, including the Grazing Lands Conservation Initiative, Resource Conservation and Development, and the watershed programs which are funded \$75 million – more than double last year's levels.

### **Investing in Research**

Animal and Plant Health: \$874.6 million, \$28.4 million above 2007 and \$70.9 million below the President's request, to fund programs that protect American agriculture against animal and plant diseases, such as avian influenza.

### **Oversight and Enforcement**

Crop Insurance Integrity: \$11.2 million, \$5.4 million above 2007 and matching the President's request, for a system to detect potential waste, fraud and abuse in crop insurance and farm loan programs, and an additional \$1 million for Inspector General oversight in this area.

Ensuring Livestock Competition: \$22.8 million, \$2 million above 2007 and matching the President's request, to enforce the Packers and Stockyards Act to assure fair competition and fair trade practices, safeguard farmers and ranchers, protect consumers and protect members of the livestock, meat, and poultry industries from unfair, deceptive, unjustly discriminatory and monopolistic practices. These funds provide for new agents and other

professionals to strengthen enforcement and promote voluntary compliance.

Enforcement Efforts at the Commodity Futures Trading Commission: \$102.6 million, \$4.6 million above 2007 for additional staff to enforce the agencies regulations.

## **IMPORTANT POLICY ITEMS**

Animal Identification: Does not provide new funding for the program because USDA cannot justify money already appropriated. Drastic action is required as this program is far too important to be allowed to continue to flounder. The agency is directed to develop a detailed plan with measurable goals.

Conflicts of Interest on FDA Advisory Committees: Bars FDA from granting waivers for conflicts of interest rules to voting members of FDA advisory committees.

Food Stamp Benefits: Excludes special pay for military personnel deployed to designated combat areas when determining food stamp eligibility. The Food Stamp Program is provided at \$39.8 billion, an increase of \$1.7 billion over 2007 to meet increased participation. Rejects the Administration's proposal to restrict eligibility for food stamps by excluding needy families who are receiving certain other services.

Imported Poultry Products from China: Prohibits USDA from establishing or implementing a rule allowing poultry products from China into the U.S.

Country of Origin Labeling: Sets a timeline for USDA to implement country of origin labeling.

### **Quote of the Day**

Nobody grows old merely by living a number of years. We grow old by deserting our ideals. Years may wrinkle the skin, but to give up enthusiasm wrinkles the soul. -Samuel Ullman

The Office of the House Majority Whip | H-329 The Capitol |  
Washington, DC 20515 | p. (202)226-3210 | f. (202)226-1115